

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHNNY PORRAS,
Petitioner,

v.

BILL MUNIZ, Warden, et al.,
Respondents.

Case No. [19-cv-00971-KAW](#) (PR)

ORDER OF TRANSFER

Johnny Porras, a state prisoner incarcerated at Salinas Valley State Prison, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of a conviction obtained in the Los Angeles County Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the proper district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Petitioner was convicted in the Los Angeles County Superior Court, which lies within the venue of the Central District of California. 28 U.S.C. § 84(b). Thus, the proper venue for the habeas petition lies in the Central District, not in this district. Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court shall TRANSFER this habeas action to the United States District Court for the Central District of California.

All pending motions are terminated on this Court's docket.

IT IS SO ORDERED.

Dated: March 25, 2019



KANDIS A. WESTMORE
United States Magistrate Judge